

REMARKS

Claims 1-16 are all the claims pending in the application. Claims 1, 5-8, 13, and 16 have been amended, and new Claims 17 and 18 have been added, to further define the claimed invention. It is believed and intended that no new matter has been added by this amendment. Reconsideration and allowance of all claims are requested in view of the following remarks.

Summary of the Substance of the Interview

The Applicant is quite grateful to the Examiner for the opportunity to conduct the brief personal interview of September 13, 2004. The Applicant's Representative and the Examiner discussed the objection to the drawings, which the Examiner agreed to reconsider because of the noncritical nature of the element materials to the present invention. The Examiner also agreed to reconsider his characterization of elements 64g and 65g as "claws" upon a more explicit definition of the term "claws" from the Applicant. Finally, the Examiner reviewed the above amendments to Claims 1 and 16 and indicated that he would look favorably upon such amendments in reconsidering his rejections of these claims. The Examiner's accessibility and cooperation were very helpful to the Applicant and are most appreciated.

Objection to the Drawings

The Examiner objected to the drawings submitted May 1, 2002, as not indicating the materials of the illustrated elements (*see* specification page 23) with the known cross-section shading system. The Examiner cites the graphic signals depicted in MPEP 608.02, page 600-95 as indicating the required correction. The Applicant respectfully traverses this objection, specifically noting that the objected-to base and clip may be resin, glass, ceramic, or other

materials (*see, e.g.*, specification pages 22, lines 24-25, and 38, second full paragraph). The language on page 23 cited by the Examiner is merely exemplary of the materials used (“*in case the base...[is] ceramic...in case the base...[is] resin...*” (emphasis added)).

Moreover, the graphic symbols recommended by the Examiner are to be used “...where the material is an important feature of the invention” (MPEP 608.02). Here, the material qualities of the claimed elements are “arbitrary and limitless, as far as accomplishing the invention” (specification page 38).

Finally, the shading used in the objected-to Figs. currently shows the cross-sectional boundaries of the various elements of the present invention very clearly. If the shading were to be changed as the Examiner suggests, the cross-sectional views would be exceedingly difficult to decipher due to the direction and width of the shading lines. Therefore, in light of the above, the Examiner is respectfully requested to withdraw the objection to the drawings.

Claim Rejections under 35 U.S.C. § 102

The Examiner rejected Claims 1-4, 7, 12, 15, and 16 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,071,119 to Christoff et al. (hereafter referenced as ‘119). The Applicant respectfully traverses this rejection for at least the below reasons.

The present application relates to an orthodontic bracket having a base 11, a bracket main body 12 furnished on the base 11, and a band-like clip 16. The bracket main body 12 has an archwire slot 14, into which an archwire 13 is inserted, and supports a cover portion 19 disposed on the main body 12 and having a covering claw 21. A guiding part 15 is formed in at least one of the bracket main body 12 and the base 11. The band-like clip 16 is curved in a substantially U-shape when the clip 16 is attached to the main bracket body 12 by the insertion of one end of

the band-like clip 16 into the guiding part 15 and the engagement of a locking claw 20 (formed in the other end of the band-like clip 16) with the covering claw 21.

With reference to Figs. 15-17, as relied upon by the Examiner, '119 discloses an orthodontic bracket 20g having a latch 32g for releasably retaining an archwire 40g in an archwire slot 30g of the bracket 20g (col. 1, lines 8-10). The bracket 20g includes a base 22g and a body 24g (col. 14, lines 20-23). The latch 32g is preferably not fixed to the bracket body 24g but is retained in a channel 54g by the base 22g (col. 14, lines 38-43).

'119 does not disclose or teach a cover portion disposed on the bracket main body and having a covering claw. Instead, the element characterized by the Examiner as a cover portion is presumably the area including elements 64g and 65g near the bottom of Fig. 16 and is not disposed on the bracket main body.

In addition, elements 64g and 65g of '119 are characterized by the Examiner as covering claws, but the Applicant must respectfully object to this characterization. The commonly accepted meaning of "claw" is substantially that of a protruding member (*see Webster's Ninth New Collegiate Dictionary*, 1988: "...1 : a sharp usu. slender and curved nail on the toe of an animal...4 : something that resembles a claw...), and elements 64g and 65g of '119 do *not* protrude or otherwise resemble a claw. Instead, these elements are voids or holes in the band-shaped clip and thus do not anticipate either of the claimed locking claw or covering claw.

Further, the Examiner likens the '119 "notches" 64g and 65g to element 60 in the present application and asserts that in both instances, material is absent or removed. However, whether material is absent or removed does not change that element 60 resembles a claw (in that it

includes protruding members as defined above), whereas the '119 "notches" 64g and 65g do not. Therefore, the Applicant submits that Claim 1 is in proper form and condition for allowance and respectfully solicits such allowance.

The Applicant does not address at this time the Examiner's rejection of Claims 2-4, 7, 12, and 15 under 35 U.S.C. § 102(e) because each of those claims depends upon Claim 1, which is believed to be allowable over the art of record.

Nevertheless, the Applicant respectfully traverses this rejection as it applies to Claim 6 for the following additional reasons. First, '119 Fig. 3 does not show the cover portion having a claw, as is presently claimed, as discussed in the above remarks concerning Claim 1. Instead, the element 44 of '119 is a wall that acts in a manner similar to the wall/cover 107 in Figs. 14A and 14B of the present application. Second, the cover portion of the claimed invention is integrally formed with the main body, as set forth in Claim 6, in contrast to the separate '119 cover portion (presumed to be adjacent to element 65g as shown in Fig. 16). Consequently, the Examiner is respectfully requested to withdraw the rejection of Claims 2-4, 6, 7, 12, and 15 under 35 U.S.C. § 102(e).

Claim 16 differs from '119 at least in that '119 does not disclose a first face being on a side of a bracket main body substantially opposite the base; a cover portion supported by the bracket main body, disposed substantially parallel to the first face, and including a means for engaging another member; a clip having a locking portion having a means for locking with said means for engaging; and wherein the means for locking of the clip and the means for engaging of the cover portion are brought into engagement with each other at a mutual locking position and

thereby attach the clip to the bracket main body, as presently claimed by Claim 16. For at least these reasons, the Applicant submits that Claim 16 is in proper form and condition for allowance and respectfully solicits such allowance.

Claim Rejections under 35 U.S.C. § 103

The Examiner rejected Claims 2 and 14 under 35 U.S.C. § 103(a) as being unpatentable over '119 in view of U.S. Patent No. 4,712,999 to Rosenberg. Each of Claims 2 and 14 depends upon Claim 1, which is believed to be allowable over the art of record.

The Examiner rejected Claim 11 under 35 U.S.C. § 103(a) as being unpatentable over '119. Similar to the above, Claim 11 depends upon Claim 1 and therefore is believed to be patentable at least by virtue of this dependency.

Allowable Subject Matter

The Applicant gratefully acknowledges the Examiner's indication that Claims 5, 6, 8-10, and 13 contain allowable subject matter. Claims 5, 6, 8, and 13 have been rewritten in independent form as required by the Examiner and are believed to be in proper form and condition for allowance. Such allowance of Claims 5, 6, 8-10, and 13 is respectfully requested.

Conclusion

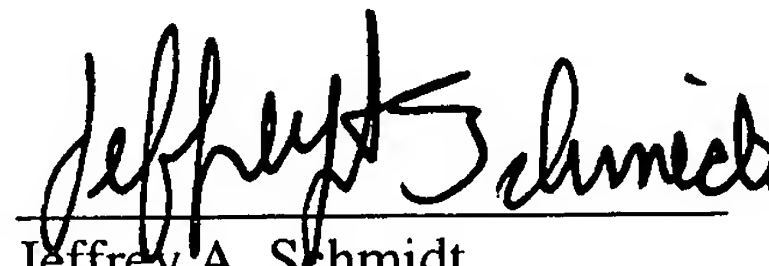
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.116
U.S. Appln No. 10/084,203

Atty Dkt No. Q68749

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, reading "Jeffrey A. Schmidt". The signature is written in a cursive, flowing style. The first name "Jeffrey" is written with a large, stylized "J" and "E". The last name "Schmidt" is written with a large, stylized "S" and "M".

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